

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

FILED WITH
COURT SECURITY OFFICER
9/17/07
DATE
FILED IN CHAMBERS
U.S.D.C. Atlanta
SEP 17 2007
JAMES N. HATTEN, Clerk
By: *Edwards*
Deputy Clerk

UNITED STATES OF AMERICA :
: CRIMINAL ACTION
v. : NO. 1:06-CR-147-CC-GGB
: SYED HARIS AHMED and
: EHSANUL ISLAM SADEQUEE :

AFFIDAVIT

Kenneth L. Wainstein, being duly sworn, deposes and says:

1. I am the Assistant Attorney General in charge of the National Security Division, United States Department of Justice.

2. The Attorney General, pursuant to Section 14 of the Classified Information Procedures Act, 18 U.S.C. App. III (hereinafter CIPA or "the Act"), has designated the Assistant Attorney General, National Security Division, to exercise or perform the functions and duties conferred upon the Attorney General and the Deputy Attorney General by the Act.

3. I submit this affidavit pursuant to Sections 6(a) and (c) of CIPA, which authorizes me, as an Assistant Attorney General designated by the Attorney General for such purpose, to request that a hearing be held in camera.

4. The matters stated herein are based upon my knowledge, my review and consideration of information available to me in my official capacity as Assistant Attorney General, and discussions that I have had with other officials of the Department of Justice.

5. The Government has requested a hearing in this case: (a) pursuant to CIPA Section 6(a) so that the Court can make certain determinations concerning the use, relevance and/or admissibility of certain classified information; and (b) pursuant to CIPA Section 6(c) so that the Court can order, if appropriate, that substitutions, summaries or stipulations be made for the specific classified information, in lieu of disclosure of such classified information at trial or pretrial proceedings.

6. A hearing on this motion is scheduled to begin on September 24, 2007. CIPA Section 6(a) provides that this hearing shall be held in camera at the request of the Attorney General or his designee if the Attorney General certifies that a public proceeding may result in the disclosure of classified information.

7. As the Attorney General's designee, I certify that a hearing on this matter may result in the disclosure of the classified information which is the subject of the Government's motion. Pursuant to Section 6(c)(2) of CIPA, I further certify that disclosure of this classified information would cause identifiable damage to the national security of the United States. I reference for the Court's ex parte consideration paragraphs 12 through 29 of the Second Ex Parte In Camera Declaration of Joseph Billy, Jr., filed with the Court through the Court Security Officer on March 30, 2007, which details the basis for the classification of such information and the identifiable damage to the national

security of the United States that would result from its disclosure. (See Doc 173).

8. Therefore, I respectfully request this hearing be held in camera, pursuant to Section 6(a) and 6(c) of CIPA.

Kenneth L. Wainstein
Kenneth L. Wainstein
Assistant Attorney General
National Security Division

Subscribed to and Sworn to before me this 12th day of September, 2007.

Rhodora N. Woolner
Notary Public in and for the State
of _____, Residing in _____

Commission Expires _____

Rhodora N. Woolner
Notary Public for the District of Columbia
My commission Expires: April 30, 2010

